

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

SYMBOLOGY INNOVATIONS, LLC,

Plaintiff,

v.

DEXCOM, INC.,

Defendants.

CIVIL ACTION NO. 2:23-cv-473

JURY TRIAL DEMANDED

PLAINTIFF’S ANSWER TO COUNTERCLAIMS

Symbology Innovations, LLC (“Plaintiff” and “Counter-Defendant”) hereby files this Answer to the Counterclaims filed by Defendant DexCom, Inc. (“Defendant”) at Dkt. No. 6, and would respond as follows:

THE PARTIES

1. Plaintiff lacks sufficient information to admit or deny this allegation.
2. Plaintiff admits this allegation.

JURISDICTION AND VENUE

3. Plaintiff incorporates its responses above.
4. Plaintiff admits that Defendant is asserting a declaration of non-infringement and invalidity.
5. Plaintiff does not contest personal jurisdiction.
6. Plaintiff does not contest venue is proper in this action.

COUNT I

DECLARATION OF [ALLEGED] NON-INFRINGEMENT

7. Plaintiff incorporates its responses above.
8. Plaintiff admits there is a controversy concerning infringement, otherwise denies.
9. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever.
10. Plaintiff denies this allegation and demands strict proof thereof. Plaintiff further denies that Defendant is entitled to any relief whatsoever.

COUNT II

DECLARATION OF [ALLEGED] INVALIDITY

11. Plaintiff incorporates its responses above.
12. Plaintiff admits there is a controversy concerning validity, otherwise denies.
13. Plaintiff denies this allegation and demands strict proof thereof.
14. Plaintiff denies this allegation and demands strict proof thereof. It further denies that Defendant is entitled to any relief whatsoever.

PRAYER FOR RELIEF

Plaintiff denies all allegations in Defendant's Prayer for Relief, and further denies Defendant is entitled to any relief whatsoever.

AFFIRMATIVE DEFENSES

1. **Failure to State a Claim.** The Counterclaims, and each count therein, fail to state a claim upon which relief may be granted.

2. **Unjust Enrichment.** Defendant improperly enriched itself and should not benefit for its improper and illegal acts.
3. **Validity.** Plaintiff affirmatively pleads that all Asserted Patents are valid.
4. **Infringement.** Plaintiff affirmatively pleads that Defendant has infringed, including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement), all valid, enforceable claims of the Asserted Patents.
5. **Lack of Standing.** Defendant does not have any right or standing to assert the claims at issue.
6. **Legal Doctrine.** Defendant's Counterclaim against Plaintiff are barred by one or more of the equitable doctrines of laches, estoppel, acquiescence, waiver, and unclean hands.
7. **Reservation.** Plaintiff reserves the right to assert additional affirmative defenses as they become known through additional investigation and/or discovery during the course of this litigation.

Dated: November 2, 2023

Respectfully Submitted,

/s/ Randall Garteiser

Christopher A. Honea

Texas Bar No. 24059967

chonea@ghiplaw.com

Randall Garteiser

Texas Bar No. 24038912

rgarteiser@ghiplaw.com

M. Scott Fuller

Texas Bar No. 24036607

rgarteiser@ghiplaw.com

GARTEISER HONEA, PLLC

119 W. Ferguson Street

Tyler, Texas 75702

Telephone: (903) 705-7420

Facsimile: (903) 405-3999

COUNSEL FOR PLAINTIFF